IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6006 OF 2005

Vijay D. More and anr. ... Petitioners

Versus

The State of Mah. and Ors. Respondents

Ms. Ranjana Todankar i/by S.S. Pakale for Petitioners.

Mr. C.R. Sonawane, A.G.P. for R. Nos. 1 to 3.

CORAM : F.I. REBELLO &
DR.D.Y.CHANDRACHUD,JJ.
DATED : FEBRUARY 13, 2006

P.C.

. Rule. Heard forthwith.

. The Petitioners have approached this court against the order dated 3.2.2005 whereby the O.A. filed by the Petitioner herein has been rejected. The tribunal has arrived at the conclusion that the Petitioner held the post of Class IV and relied on the averments made by the Petitioner in Writ Petition NO. 4546 of 1997.

. It is the contention of the Petitioner that

considering the judgment of the Apex Court in Civil Appeal No. 3070 of 1999, to which the Petitioners were parties, the Apex Court had accepted the statement made on behalf of the State of Maharashtra that those who had completed 240 days of service, they would be regularised. It is the case of the Petitioners that they have worked between 29.9.1980 and 28.11.1985 as Class III employees. That being the case, having completed 240 days of Class III service, they should be regularised as Class III and not as Class IV employees.

. It appears that this aspect of the matter was not considered by the tribunal. Considering that we set aside impugned order dated 3.2.2005 and remand the matter to the tribunal for reconsideration after hearing the parties and pass an order afresh. It will be open to the parties to file additional statements, if in law, they are so advised. Rule made absolute accordingly. No order as to costs.

(F.I. REBELLO,J.)

(DR. D.Y. CHANDRACHUD,J.)